

**REMARKS**

Claims 1-12, 15, 16, 18, 19, 21 and 22 are presented for examination.

Independent claims 1, 18 and 22 have been amended to more clearly define the claimed invention.

Also, claim 1 has been amended to address the Examiner's objection.

Claims 1, 4-7, 10-13, 15-16, 18-19, and 22 have been rejected under 35 U.S.C. 102 as being anticipated by Barzilay (US 2003093334). Claims 2-3, 9, 14, 17, and 20-21 have been rejected under 35 U.S.C. 103 as being unpatentable over Barzilay in view of Adams.

Claim 1, as amended, recites a system for processing telephone orders comprising:

- input telephone circuitry for receiving incoming telephone calls from customers, and
- order processing circuitry responsive to order information supplied from the input circuitry for conducting an interactive session with a customer to fulfill a request for an order, without intervention of a human operator, and
- control circuitry configured to interact with the processing circuitry during the interactive session with the customer.

The order processing circuitry is configured to:

- during the interactive session, receive from the input telephone circuitry an item request indicating an item selected by a customer,
- in response to the item request, supply the control circuitry with an item availability request to determine whether the selected item is available at a time of the item request from the customer,
- receive an availability response indicating whether the selected item is available at the time of the item request, and

-provide the customer, via the input telephone circuitry, with information corresponding to the availability response.

Claim 18, as amended, recites a method of processing a telephone order for an item comprising:

-receiving a telephone call from a customer, and  
-without intervention of a human operator, conducting an interactive telephone session with the customer to fulfill a request to order the item.

The interactive telephone session includes:

-receiving from the customer a product request indicating a product selected by the customer,  
-in response to the product request, generating a product availability request to determine whether the selected product is available at a time of the item request from the customer,  
-based on a product availability response indicating whether the selected product is available, supplying the customer with information corresponding to the product availability response.

Claim 22, as amended, recites a call center for ordering products in a retail system. The call center comprises:

-an input telephone circuit for receiving a telephone call from a customer, and  
-a processing unit responsive to information supplied by the customer to fulfill a customer's request to order an item, whereby the item is ordered without intervention of a human operator.

The processing unit is configured for:

- receiving an item request voice message from the customer indicating the requested item,
- determining whether the item is available, and
- producing a response voice message to the customer based on determined availability of the item.

The Examiner takes the position that Barzilay discloses conducting an interactive session with customer without intervention of a human operator (abstract, 0038-0046, FIGS. 1, 3A-3B).

Considering the reference, Barzilay discloses that after a buyer dials to establish a communication link, the system generates automatic voice responses at block 60 (FIG. 3A) which replicate a human salesmen interacting with the requests and orders of the buyer by utilizing interactive voice technology. The system can provide promotions and special offers. “This negotiations (sic) for a deal and promotion of business is made at block 62.” (paragraph 0043). At block 64, if negotiations for a deal do not lead to a sale, the buyer exits the system. If a deal is made, the system “automatically processes the terms of the deal.” (paragraphs 0045, 0046).

Accordingly, this disclosure indicates that the system offers promotions and special offers using interactive voice technology. However, the disclosure does not indicate that negotiations at block 62 are made without intervention of a human operator.

Moreover, considering that the reference does not describe any software for conducting such negotiations without a human operator, one skilled in the art would realize that the negotiations are conducted by an operator.

Therefore, Barzilay does not describe conducting an interactive session without intervention of a human operator in the manner required in the independent claims 1, 18 and 22.

To more clearly define the claimed invention, the independent claims have been amended to specifically recite details relating to the interactive session. In particular, claim 1 has been amended to recite that the order processing circuitry is configured to:

- during the interactive session, receive from the input telephone circuitry an item request indicating an item selected by a customer,

- in response to the item request, supply the control circuitry with an item availability request to determine whether the selected item is available at a time of the item request from the customer,

- receive an availability response indicating whether the selected item is available at the time of the item request, and

- provide the customer, via the input telephone circuitry, with information corresponding to the availability response.

The Examiner admits that Barzilay does not disclose determining if an item is available. Adams is relied upon for disclosing this feature.

Adams discloses that the system determines at step 310 (FIG. 3A) whether an ordered test device can be shipped immediately and checks inventory database. Then, if the device is available, the order is placed to ship the device.

Accordingly, Adams does not suggest conducting an automatic interactive session with the customer over a telephone to receive request for a product and in response, provide the customer with information corresponding to the product availability response.

Barzilay also does not disclose such a session.

Accordingly, a combination of Barzilay with Adams does not teach or suggest the claimed telephone interactive session that involves receiving a request for an item from a

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customer, producing availability request to determine item availability, receiving an availability response and providing the customer with information corresponding to the availability response, as independent claims 1, 18 and 22 require.

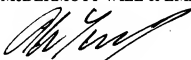
Hence, the amended claims are clearly defined over the applied reference combination.

In view of the foregoing, and in summary, claims 1-12, 15, 16, 18, 19, 21 and 22 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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